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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,433	03/01/2002	Hung Viet Ngo	C3043US;680-010481-US(PAR	3428
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HARRINGTON & SMITH, LLP 4 RESEARCH DRIVE SHELTON, CT 06484-6212			EXAMINER KANG, JULIANA K	
			ART UNIT 2874	PAPER NUMBER
DATE MAILED: 10/04/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No. 10/087,433	Applicant(s) NGO, HUNG VIET	
	Examiner Juliana K. Kang	Art Unit 2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9-12 and 14-45 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 and 39-42 is/are allowed.
- 6) ☒ Claim(s) 9-12, 14-29, 31-38 and 43 is/are rejected.
- 7) ☒ Claim(s) 30, 44 and 45 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/11/05</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. The terminal disclaimer filed on July 11, 2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of 6,863,446 has been reviewed and is accepted. The terminal disclaimer has been recorded.

2. Currently claims 1-7, 9-12, and 14-45 are pending in the application.

Claims 1-7 and 39-42 are allowable, claims 30 and 44, 45 are objected to as being dependent upon a rejected base claim and claims 9-12, 14-29, 31-38 and 43 are rejected as shown below.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. **Claims 9-12, 14-16, 18-27 and 43 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-23 of U.S. Patent No. 6,601,997 B2 (submitted by applicant) in view of Austin et al (U.S Patent 6,186,670 B1).**

Patent 6,601,997 discloses an optical fiber cable with a twist boot (see claim 12) that twists a fiber optic cable. However, Patent 6,601,997 does not teach a row of optical fibers. Using a plurality of fibers in a row is well known in the art to transmit more information in one fiber optic cable. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a plurality of fiber in a row in Patent 6,601,997 to transmit more information. Patent 6,601,997 also do not claim that fiber optic cable is mounted to a panel. Austin et al teach mounting an optical fiber cable to a panel of optical instrumentation equipment comprising an adapter (120) located in the housing section (12) for coupling fiber connectors (100, 110) with a boot (115). Austin et al further teach mounting the connectors at an angle (vertical orientation, see Fig. 8 and 9) for ease of installation of the connectors. Mounting optical cables to an equipment panel is known in the art as taught by Austin et al for user friendly purpose and also to protect the optical fiber cable from tangling and form damaging. Thus, it would have been obvious to modify the optical connector having a twist boot of Patent 6,601,997 B2 to be utilized in optical instrumentation equipment such as the one that is taught by Austin for the purpose of secure engagement of the optical connectors. Note that it is clear that the optical connectors of Patent 6,601,997 B2 have to be connected, mounted or coupled to other optical devices to be operated. Patent 6,601,997 also do not claim that the boot is a flexible boot. It is known to relieve the stresses by a strain relief system in the form of a flexible boot for an optical fiber cable to provide maximum flexibility to a minimum bending radius of the fiber while

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assuring a stable position. Thus, it would have been obvious to use a flexible boot in Patent No. 6,601,997 and Austin et al to protect the optical cable from the stresses.

Patent No. 6,601,997 and Austin et al do not specifically teach that the connectors are MPO or MPT connectors using such types of well known connectors in Patent No. 6,601,997 and Austin et al would have been obvious to one having ordinary skill in the art at the time the invention was made to provide easier connection between a plurality of optical fibers.

5. **Claims 17 and 28 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-23 of U.S. Patent No. 6,601,997 B2 (submitted by applicant) in view of Austin et al (U.S. Patent 6,186,670 B1) and further in view of Szilagyi et al (U.S. Patent 6,305,961).**

Patent 6,601,997 B2 and Austin et al do not each using an EMI gasket. Szilagyi et al teach using an EMI gasket around a mating portion of a connector in an optical fiber connector assembly to prevent leakage of EMI at the interface of optical connections. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use an EMI gasket in Patent 6,601,997 B2 and Austin et al to provide an improved EMI leakage.

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 29, 31-33, 35 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beard et al (U.S. Patent 5,317,663) and further in view of Estrella et al (U.S. Patent 6,695,485 B1, previously applied upon).

Regarding claims 29, 31, 32 and 35, Beard et al disclose an optical fiber adapter with all the claimed limitations (see Figs. 1 and 4) except the passage of the housing that is slanted relative to the mounting section. Estrella et al teach an optical fiber adapter with the passage of the metal housing that is slanted relative to the mounting section to avoid any potential eye injury to a technician (see column 3 lines 20-37). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use apply the slanted passage as taught by Estrella et al in Beard et al to protect a user eyes from eye damages.

Regarding claim 38, even though Beard et al and Estrella et al do not specifically teach that the connectors are MPO or MPT connectors using such types of well known connectors in Beard et al and Estrella et al would have been obvious to one having ordinary skill in the art at the time the invention was made to provide easier connection between a plurality of optical fibers.

8. Claims 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beard et al (U.S. Patent 5,317,663) and Estrella et al (U.S. Patent 6,695,485 B1) and further in view of Ernst et al (U.S. Patent 5,825,955).

As described above Beard et al and Estrella et al teach the claimed limitation except a spring loaded pivotally mounted door. Ernst et al teach an optical fiber connector and a spring loaded pivotally mounted door to the housing to protect an

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operator's eyes from dangerous light transmitted by an optical fiber. Thus it would have been obvious to one having ordinary skill in the art at the time the invention was made to add a spring loaded pivotally mounted door in Beard et al and Estrella et al as taught by Ernst et al to make the connector safer for an operator to use.

9. **Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beard et al (U.S. Patent 5,317,663) and Estrella et al (U.S. Patent 6,695,485 B1) and further in view of Szilagyi et al (U.S. Patent 6,305,961 B1).**

As described above Beard et al and Estrella et al teach the claimed limitation except the mounting section having a recess for an EMI gasket. Szilagyi et al teach that it is known in the art to use EMI gaskets between the mating portions of the connector assembly to prevent electromagnetic interference (see column 1 lines 41-47). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use an EMI gasket in Beard et al and Estrella et al as taught by Szilagyi et al to prevent EMI leakage and also having a recess area in the mounting section would have been obvious in order to have the EMI gasket in place.

Response to Arguments

10. Applicant's arguments filed July 11, 2005 have been fully considered but they are not persuasive. Regarding claim 29, applicant argues the Beard et al teach the two separate inner housing halves (410, 42) but there is no disclosure or suggestion in Beard et al that the housing halves are separately connected to the main body. The

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Examiner does not agree with this. Since the housing halves are separate elements they inherently have to be connected to the main body separately.

Allowable Subject Matter

11. Claims 1-7 and 42 are allowed.

Claims 1-7 and 42 are indicated as allowable in the previous Office action.

Claims 39-41 are allowed. The prior made of record does not teach the optical connector mounting system with all the specific elements and the specific combination including the pair of inner adapter housings that are separately spring latch connected to the outer adapter housing as set forth in claim 39.

Claims 30, 44 and 45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chang et al (U.S. Patent 6,644,865 B2) teach a flexible boot for an optical fiber cable connector.


13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Juliana K. Kang whose telephone number is (571) 272-

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2348. The examiner can normally be reached on Mon. & Fri. 10:00-6:00 and Tue. & Thur. 10:00-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rod Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JULIANA KANG
PRIMARY EXAMINER
10/3/05